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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,032	09/09/2003	Robert B. Male	859/US/2	2069

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EXAMINER

BUI, THACH H

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,032

Applicant(s)

MALE ET AL.

Examiner

Thach H Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. Applicant's prior art citation filed December 22, 2003 has been received, considered and placed of record.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with informalities too numerous to mention specifically. The following noted informalities are merely exemplary thereof. The claims should be revised to conform to U.S. Patent Office practice.

Claim 1 is vague and indefinite because "at least one internal stop located within the axially extending bore" recited in line 11, renders the claim unclear. See claim 19 for the same informality.

Claim 1 is vague and indefinite because "at least one internal stop abutment elements located within the axially extending bore...to alter the longitudinal axis" recited in lines 12-15, renders the claim unclear.

Claim 6 is vague and indefinite because "the plurality of internal stops define a stop longitudinal axis; and the stop longitudinal axis varies with the longitudinal axis of

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the flexible arm" recited in lines 2-3, renders the claim unclear. See claims 7, 8, and 10 for the same informality.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Berry (U.S. Patent No. 1,255,577) in view of Pimentel et al. (U.S. Patent No. 5,997,047).

As per claims 1 and 3, Berry teaches a flexible pipe assembly comprising a plurality of interconnected beads forming a flexible conduit (see Fig. 1 and 2). Each bead is rotatable with respect to the adjacent bead, and the plurality of interconnected beads (snapped-fit arrangement) (see Fig. 2) form an axially extending bore having a longitudinal axis. The first end bead includes a connector end (D) and a partially spherical opposing end (S) for connection to the adjacent bead. Berry has all the features of the invention but Berry failed to teach a shower pipe connector nut for fluid connection to a shower pipe of which is also connected to the first bead, and a flexible sheath covering the plurality of interconnected beads. Pimentel et al. teach a plurality of interconnected beads forming a flexible conduit and the plurality of interconnected beads forming an axially extending bore having a longitudinal axis (see Fig. 1 and 2).

The apparatus further comprises a pipe connector nut (46, 50) for fluid connection and the fluid connector nut is also connected to the first bead (see Fig. 1). Pimentel et al. also includes a flexible sheath (5) covering the plurality of interconnected beads (see Fig. 1). It would have been obvious to one skilled artisan in the art at the time the invention was made to modify the teachings of Berry and combine with Pimentel et al. to have a shower pipe connector nut for fluid connection to a shower pipe of which is also connected to the first bead to provide fluid connection, and a flexible sheath covering the plurality of interconnected beads to protect the beads from damaging.

As per claim 2, Berry teaches a first end bead of which is threadedly connected to the pipe connector nut (G) (see Fig. 3).

As per claim 4, Pimentel et al. teach the pipe connector nut of which is internally threaded for connection to a shower pipe (29) to provide fluid connection to the flexible conduit.

As per claim 5, Pimentel et al. teach the second end of the second connector is internally threaded for connection to a pipe (29) (se Fig. 1).

As per claims 6-10, Berry teaches a plurality of internal stops and/or grooves and the grooves define the formation of the interior wall of the plurality of interconnected beads (see Fig. 2).

As per claim 11 and 12, Pimentel et al. teach a grommet (39) with an O-ring (38) attaching to the flexible tube to the connector nut.

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As per claims 13-18, Pimentel et al. teach a flexible sheath made of polyvinyl chloride flexible tubing (col. 4, lines 34-36) and it comprises an external ribbed pattern (i.e. a continuous helix).

As per claims 19 and 20, Berry and Pimentel et al. combined teach all the features of the invention (as mentioned in the above paragraphs).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on 703-308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T.B.
07/29/2004



MICHAEL MAR
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